

HAMILTON COUNTY BOARD OF COMMISSIONERS
APRIL 28, 2008

The Hamilton County Board of Commissioners met on Monday, April 28, 2008 in the Commissioners Courtroom in the Hamilton County Government and Judicial Center, One Hamilton County Square, Noblesville, Indiana. The Commissioners met in Executive Session in Conference Room 1A at 12:20 p.m. President Altman called the public meeting to order at 1:17 p.m. and declared a quorum present of Commissioner Christine Altman, Commissioner Steven C. Dillinger and Commissioner Steven A. Holt. The Pledge of Allegiance was recited.

Approval of Minutes

Dillinger motioned to approve the minutes of March 11, 2008 and April 14, 2008. Holt seconded. Motion carried unanimously.

Executive Session Memoranda

Dillinger motioned to approve the Executive Session memoranda of April 28, 2008. Holt seconded. Motion carried unanimously.

Plat Approval

Springs of Cambridge, Section 10

Mr. Dave Lucas recommended approval of the plat for Springs of Cambridge, Section 10. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

Bid Opening

Bridge No. 57 Rehabilitation

Mr. Mike Howard opened the bids for Rehabilitation of Bridge No. 57, 256th Street over Little Cicero Creek.. Form 96, Non Collusion Affidavit, Bid Bond and Financial Statement are included unless otherwise specified. 1) Erber & Milligan - \$362,758.80. Howard recommended the bid be referred to the highway department for review and recommendation later today. Dillinger so moved. Holt seconded. Motion carried unanimously.

Highway Business

Agreements/Supplements

Small Structure #32011 Supplement #1

Mr. Joel Thurman requested approval of Supplemental Engineering Agreement #1, E-07-0004, for the replacement plan for Small Structure #32011, 231st Street over Bear Slide Creek in Jackson Township. The agreement is with Crawford, Murphy & Tilly, Inc. in the amount of \$6,350. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

Traffic Study Correspondence [1:23]

Thurman requested approval of the list of correspondence concerning investigations of requests for signage on Hamilton County Roads.

1) Raymond M. Adler concerning change of Stop condition at 274th Street and Arcadia Road. The highway department recommends making 274th Street a through street and place a Stop on Arcadia Road for 274th Street. Holt motioned to approve the highway's recommendation. Dillinger seconded. Motion carried unanimously.

2) Joel Cooper concerning traffic signal modification at 146th Street and Springmill Road. The highway department recommends using detector switching and phase omits and lower the total cycle time for the signal at night. Holt motioned to approve highway's recommendation. Dillinger seconded. Motion carried unanimously.

3) Linda Osborne concerning intersection warning signs at 191st Street and Springmill Road, 193rd Street & Six Points Road, and 193rd Street & Freemont Moore Road. The highway department recommends installing a stop ahead warning sign on Six Points Road. Dillinger motioned to approve the highway's recommendation. Holt seconded. Motion carried unanimously.

4) Marian Noggle concerning a slow warning sign on 216th Street between Durbin Road and Prairie Baptist Road. The highway department recommends installing a "Slow" warning sign and "Hidden Driveway" sign. Holt motioned to approve the highway's recommendation. Dillinger seconded. Motion carried unanimously.

5) 146th Street and Stephanie and/or Jason Street – several requests were received to either close the median on 146th Street and Stephanie Street; lower the speed limit on 146th Street; or install a traffic signal on Jason Street. Thurman stated the highway department performed a traffic study of the area looking at speed, signal warrant analysis, and accident history of the corridor. The highway department recommended not closing the median at Stephanie Street, there is not a high rate of accidents in that area. Throughout that corridor there are similar full accesses to 146th Street; this area is not high frequency compared to other areas along the corridor. Mr. Brad Davis stated they looked at the geometrics of the area, the sight distance and they are within acceptable standards per the Manual on Uniform Traffic Control Devices (MUTCD) which is the national standard Hamilton County follows. Mr. Chris Burt stated they checked the site distance and they found sufficient sight distance in both directions at both intersections. The accident history shows the Jason Street intersection had a higher number of crashes but it is below the median of crashes at similar intersections throughout the State of Indiana. We did not see any inherent geometric problems with the intersection to specifically warrant closing the median at that location. The signal warrant analysis at Jason Street found none of the warrants were met; none of the other supplemental guidelines were met or were close to being met. They looked at what would happen if they did close the median at Stephanie Street and 40% to 50% of the traffic in the subdivision would divert to Jason Street, which would still not warrant a traffic signal. The development on the north side of the intersection hired a consultant to do a signal warrant analysis based on their proposed development and it indicated that a signal would not be warranted at that intersection. A speed study analysis was done from Carey Street to Rohrer Road at 85 percentile speed in the 42mph to 47mph with the highway department recommending the speed remain at 45mph. Burt stated another concern was the median being difficult to see, the contrast between the median and asphalt has decreased over the life of the asphalt and the highway department will be looking at putting a center line along the medians when we do the annual striping contract this summer. Altman asked if the entire 146th Street will be striped? Burt stated yes or everywhere there is a median. Thurman showed an aerial photograph of the area indicating there are several options for entering and leaving the Foster Estates subdivision. Many of the property owners in Foster Estates have stated in their letters that for younger, inexperienced drivers this is their concern and they will not allow their children to exit onto 146th Street, they must go to Carey Road. The highway department's stance is that a signal is not warranted at Jason Street, even when the development at Water Tower Place provided a traffic forecast; those forecasted numbers did not warrant a signal at Jason Street. Davis stated the highway department did not find a problem with the current median access; it is no different than any other median access. Because there are multiple access locations into these subdivision onto Carey, if the median were closed it would not harm the ability to

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access 146th Street. Closing the median would reduce access to a right in, right out at Stephanie Street. That action would decrease the amount of conflict points. Altman asked if anyone tallied the signatures on the petitions for various requests to see if they were representative of the neighborhood as a whole? Thurman stated one letter stated the petitions were pretty much unanimous with the exception of two or three households. Altman asked if a comparison was done in terms of actual signatures and number of homeowners? Burt stated he did not go through and compare signatures and addresses. Dillinger asked how many homes are in this subdivision? Burt stated 526 parcels in the four subdivisions that are interconnected between 136th Street and 146th Street and Carey Road. There are 298 parcels in Foster Estates, 138 in Smoky Ridge, 59 in Laura Vista, and 31 in Yorktown Woods. Dillinger stated this is a different situation but the request basically affects Foster Estates. It is not impeding the traffic flow on 146th Street. Dillinger recommended sending out a letter requesting representation from the residents of Foster Estates making them understand that if the majority of the residents want this, he does not have a problem with closing the median. Altman recommended using 75%, which is what we use for speed hump petitions. Burt stated the petition was submitted with a letter that did not request closing the median, the request is a traffic signal and reduced speed limit. Altman stated a traffic signal is not warranted. Dillinger stated he believes the concession we can make is closing the median but we should request the homeowners association get a 75% agreement from their residents to close the median.

John Accetture, Carmel Councilman representing the 3rd District, stated Foster Estates does have a homeowners association. Accetture stated the major concern is that right across the street from Foster Estates a strip mall was built and the county approved the road cuts which are directly across the Jason Street exit. People are exiting Jason Street to go across 146th Street and the people exiting the strip mall across 146th Street with the traffic moving extremely fast. It is not conducive for exiting Foster Estates or the Cool Creek strip mall. Dillinger stated if someone can get 75 percent of the residents to agree to close the median, we would close it. Accetture stated he does not represent the homeowners association.

Altman asked Brad Davis to draft a letter from the Commissioners to the Foster Estates Homeowners Association asking that they meet the basic criteria as we ask for speed humps. Holt asked Howard if we need to notify Cool Creek Commons? Burt stated Cool Creek Commons is the signalized intersection west of Cool Creek; Mr. Accetture is referring to Water Tower Place and there is an agreement in place where they are allowed two full access entrances and one of the entrances was required, by the highway department, to line up with Jason Street. The agreement was in place prior to the parcel being developed. Holt asked if we closed the median would we be in breach of contract? Howard stated they will have to look at the agreement. Burt stated we are not indicating closing Jason Street, we are recommending closing Stephanie Street. Holt asked if the requests were to close Jason Street or Stephanie Street? Burt stated some letters requesting closing one median or both. Holt stated the question needs to be drafted so the homeowners understand what we are asking. Holt asked the highway department in conjunction with Howard to draft the petition. Howard state the Court of Appeals wrote a decision that is up for transfer to the Supreme Court that is diametrically opposed the previous law that inconvenience is not a taking. Howard stated we would be remiss on responding to this today and he will provide a brief to the Commissioners by Wednesday of next week. Altman stated we will try to accommodate what we can accommodate and asked the highway department to look at other options such as posted “No Lefts” with the understanding a signal will not go in place as it is not warranted. Dillinger motioned to approve what Altman stated and table this issue until we get further information on what the options are. Holt seconded. Motion carried unanimously. Altman stated we will have information at our next meeting to determine what we can do under Indiana Law, prior commitments and the MUTCD.

Official Actions [1:53]

274th Street and Arcadia Road

Thurman requested approval of an official action to remove and install regulatory signs on 274th Street and Arcadia Road. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

Request Permission to Close 131st Street

Thurman requested permission to close 131st Street between Hazel Dell Road and River Road beginning on or after May 7, 2008 for a period of 10 calendar days for repairs to Bridge #231. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

Bid Award

Bridge #224 on Allisonville Road

Thurman requested the bid for the rehabilitation of Bridge #224 on Allisonville Road, declared an emergency project, be awarded to Erber & Milligan Construction Company, Inc. in the amount of \$472,644. Three quotes were received and opened at the highway department on April 24, 2008. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

Request to Advertise

Small Structure #32011, Bridge #93

Thurman requested permission to advertise for replacement of Small Structure #32011, Bridge #93 – 231st Street over Bear Slide Creek. Bids will be opened May 27, 2008. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

Bid Award

Bridge #57, 256th Street over Little Cicero Creek

Thurman recommended awarding the bid for Bridge No. 57, 256th Street over Little Cicero Creek, to Erber and Milligan Construction Company, Inc. in the amount of \$362,758.80. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

Riverwalk Project Update

Davis stated the contractor for the Riverwalk project is anticipating starting the project May 19, 2008. The water company should be relocating the water line the week after that. The contractor is looking for a location for his field office. Mr. Scott Warner stated the contractor is looking at using the Kahlo lot for his office.

SR 238 Closure

Davis stated he is waiting for an agreement with INDOT (Indiana Department of Transportation) for an unofficial detour. INDOT has closed SR 238, the official detour are State Roads and I-69. The unofficial detour is recognized but not signed. If there is damage to the road due to their project INDOT agrees to reimburse for the damage. The unofficial detour is 96th Street and Olio Road.

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Dillinger motioned to amend the agenda to move the planning in Fall Creek Township up on the agenda. Holt seconded. Motion carried unanimously.

Fall Creek Township Planning Jurisdiction [1:58]

Altman stated the Commissioners have received the written documentation from Brian Baehl and asked Allman to state what their request of the Board of Commissioners is. Altman stated she is not sure how Hamilton County is involved in this dispute. Dillinger stated the Commissioners have asked Mr. Randy Leerkamp, Attorney for the Hamilton County Plan Commission, to advise the Commissioners on this issue as there is a conflict of interest with County Attorney Mike Howard. Allman stated their request is looking for a governmental agency outside of Fishers to enforce the State law and Joinder that was in place with Noblesville and has never been legally changed to Fishers. The citizens of this area without a referendum or any representation, Fishers assumed a Joinder that we believe is not valid and should still be in place with Noblesville. By State Law we believe that if one of the parties opt out of the Joinder that the planning and zoning reverts to the county. That is when the Commissioners come into play. Allman stated they are asking for the law to be enforced in either the Joinder go back, as it still should be as nothing has changed legally, to Noblesville and should Noblesville say they don't want it then it should revert back, by law, to the county.

Mr. Brian Baehl stated the unincorporated citizens of Fall Creek Township are requesting the Hamilton County Board of Commissioners -

1. Set up a special commission to investigate the validity of the Joinder of Fall Creek Township with the Town of Fishers, enlist the help of appropriate state and federal agencies to assist and identify equitable solutions
2. Rule that the Fall Creek Township Joinder with the Town of Fishers is illegal.
3. Proclaim IC 36-7-4-1212(1) that Noblesville has consolidated on an area basis its planning and zoning activity (Wayne township excluding Fall Creek Township) satisfying the withdrawal of a township and exercising IC 36-7-4-1202(a) that a township may not join with a municipality for planning and zoning purposes if the county meets the planning and zoning requirements, which Hamilton County does.
4. Reconvene in two weeks with preliminary findings and recommendations with the Fall Creek Township Trustee and Fall Creek Township Board president present.
5. Instruct the Town of Fishers to cease all planning, zoning, platting, BZA activities and annexations of Unincorporated Fall Creek Township until this Joinder is investigated and resolved.
6. That these grievances be kept permanently recorded in the Hamilton County Recorder's office.

Altman stated the Commissioners have the residents' documentation as presented by Mr. Baehl. Altman would like to hear Mr. Leerkamp's interpretation of Baehl's research. Mr. Leerkamp stated he was just informed of this issue on Friday and does not know the underlying facts. The law is quite clear on how a Joinder agreement is terminated. It has to be a referendum. Howard stated this is an Assignment under an interlocal agreement under IC 36-1-7. It is not abolition or dissolution of the Joinder agreement and it was never meant to be. Leerkamp stated he does not know what the underlying facts are; he was told there was a Joinder agreement between Noblesville and Fall Creek Township, which was then vacated and a new Joinder agreement was entered into with Fishers.

Altman asked what the Township records reflect with the acceptance or rejection of what transpired? Mr. Terry Michael, Fall Creek Township Trustee, stated he can not speak on all of the facts as he was not in attendance or on the Board at that time, in 2004-2005. The facts as he knows them is that Fishers and Noblesville came to an agreement for a Joinder where they would take over the duties at which time the township council and board said it would be ok but all those properties located in the un-annexed area would be grandfathered by the same restrictions and rules that Noblesville had. At that point that language was not put into the copy of the Joinder that came into the township. The township did not sign the document. They still continued on with Fishers because Fishers is sub-contracting with Noblesville, Howard stated it is an interlocal agreement. In October or November it was brought to his attention that the agreement had not been signed. He then notified the planning departments of Noblesville, Fishers, the attorneys for the Geist annexation, and his Board representative Brian Baehl. The township takes on the responsibility of what the taxpayers of the area want. Dillinger stated the minutes state that "Mike Reuter made a motion to approve the transfer of the Joinder agreement to Fishers with the following stipulation – that all present zoning would be grandfathered to current property owners by this transfer. This motion was seconded by Mr. Wenning and motion carried 3-0." Dillinger asked if part of the remonstrance is that when the transfer happened that someone forgot about the grandfathering? Michael stated yes. Michael stated we have had a few instances of residents have gone to the Town of Fishers requesting to build a barn. Fishers has told them no, they can't build a barn because you don't have a house on this. It is correct according to Noblesville planning. Michael has fixed that situation. In another case there was a right of way of a driveway where it was supposed to be 50 feet according to Fishers planning and 45 feet according to Noblesville Planning. Michael stated this has been corrected and he is correcting each situation on an individual basis as it happens. Michael stated he would like to see a resolution to this situation. Howard stated factually your predecessor, Marion Hensley, appointed the requisite number of members to the Fishers Plan Commission? Michael stated that is correct. Altman stated Fall Creek has been represented on the Fishers Plan Commission? Michael stated yes.

Altman asked the Commissioners if they concur that we would go with the Hamilton County Plan Commission Attorney's recommendation on whether it has reverted to the county, at the next meeting? Dillinger asked if this the resolution? Altman stated the parties can always revert to the courts and have a judge decide this. Howard stated under IC 36-1 a unit can not impose a duty on another unit. Altman stated our obligation would be to accept the duty. The first step is to ask Mr. Leerkamp to review the agreements in place and whether the county must assume jurisdiction under State law otherwise these residents would have a civil remedy if they choose to enforce or cause to be enforced agreements or lack of agreements or injunctions or whatever. That is not appropriate for this body to decide. Howard stated the Commissioners do not have the jurisdiction to go where the residents want them to go. Altman stated they have requested something the Commissioners can not provide, our only jurisdiction is to accept zoning if it falls upon the county under State law. Baehl stated he disagrees with Mr. Howard's interpretation. Dillinger asked Leerkamp if he agrees with that? Leerkamp stated he is uncertain of the facts but based on what he has heard today it does not seem to him that the county has a dog in this fight. It is between the unincorporated township and Fishers. If the original agreement with Noblesville was never set aside they would still have the agreement with Noblesville and it would default to Noblesville. Leerkamp stated it would almost be the county's zoning jurisdiction if it was determined that no one had the obligation under any of the agreements to enforce the zoning. Leerkamp stated he agrees with Commissioner Altman, it seems to be a question to be answered by the courts if it can't be answered by the parties by

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review of the documents. Dillinger stated it seems strange to him that if the Joinder agreement was with the township, which the township agreed and signed with Noblesville; Noblesville agreed to give it to Fishers upon approval of the township board, which the township board never gave that approval because they had a stipulation in the agreement that was not met. Therefore these folks opinion is why should they spend the money to go to court to get out of something that they never agreed to because they don't believe Fishers has the authority to zone them, they believe Noblesville has the authority. If Noblesville has abandoned that authority then according to the statute it should fall back to the county. Leerkamp stated in his brief look at the statute, if there is a valid Joinder agreement the question would be if Noblesville withdrew from the agreement. Howard stated it is not a Joinder agreement, it was an assignment. It was originally a Joinder agreement and Noblesville signed the interlocal agreement and gave it to the counsel for Fishers. The first time they heard about this blowing up was last week. Leerkamp stated the first time he has heard about this was a few minutes ago.

Ms. Jeanette Kassebaum, Attorney for Fall Creek Township, assured everyone that they are working diligently to get this resolved. They have had meetings with the Town of Fishers and when she hears the only remedy is to go to court, she wants to caution everyone. She believes they will come to a resolution shortly. There are meetings that need to be scheduled and it will be resolved with that kind of intervention.

Dillinger motioned to table this issue to give Mr. Leerkamp an opportunity to investigate if the county has any obligation and give Ms. Kassebaum and the township board time to resolve the issue. Holt seconded. Baehl stated they believe it will take a resolution to change this, they do not believe that Noblesville can enter into an agreement with Fishers without public involvement and the voters in the area entering into a referendum. There was no referendum, there was no community involvement. We have just found out about this, we have been dissatisfied with this for years. The law has become clear recently, rather than an intergovernmental agency resolution to this, which is what he is concerned about, it needs to take place by a referendum. Altman stated you may be right but the Commissioners are not the body to make that decision. Baehl stated he understands that but for the people in the room he does not want to see another deal done without the public's involvement and citizen representation. Michael stated they will be meeting in mid-May with the Town of Fishers; a township board member, himself, the attorneys involved and a notice will be sent to each Fall Creek Township resident involved notifying them of the meeting. Motion carried unanimously.

Altman called a recess in the meeting. [2:21]

Altman called the meeting back to order. [2:35]

Parenting Classes

Ms. Carlabeth Mathias, Mathias Counseling and Consulting, proposed offering parenting classes for Hamilton County employees. The classes would be held during the employee's lunch hour. Altman asked if the employees would be off the clock and they would pay for the costs? Mathias stated the employees would be off the clock and would pay for the class. Hamilton County is providing a place for them to meet. She would hope supervisors would be flexible with the employees lunch scheduling. Ms. Sheena Randall stated she is hoping to meet in Conference Room 1A and will coordinate that with Fred Swift. Holt motioned to approve. Altman seconded. Altman asked if this could be opened up to the general public? Mathias stated she would consider it but she does run this class at her office at a cost of \$135 and it is being made available to county employees for \$35.

Uniforms – Buildings & Grounds and Highway Department

Mr. Scott Warner showed the proposed uniform for the Buildings & Grounds Department. The shirt and smock would have the logo and the employees name sewn on them. The staff at the Jail would have the Sheriff's logo with the Buildings & Grounds name on the patch. Altman asked if the Sheriff would control the disbursement of the patches? Major Bowen stated yes.

Mr. Brad Davis showed the proposed uniforms for the highway department maintenance and mechanic staff. There are three (3) different pants – cargo pants, polyester/cotton pant, and jeans. Altman asked if the pants would be left on site for laundering? Davis stated laundry service is offered but the majority of the staff would launder the pants themselves. Davis stated the shirts are 1) Fluorescent T-shirt worn for safety reasons and takes place of the safety vest. Altman asked that the lettering be made reflective. 2) Traditional uniform button up shirt (long sleeve or short sleeve) with name and patch with the highway department logo. He will offer the employees the option of long sleeve or short sleeve. Howard asked if both Davis and Warner would have written policies that these shirts are solely to be worn when working for the county and they understand that to wear the uniforms outside of that would be subject to disciplinary action? Warner and Davis stated yes. Altman stated the reason for the pants is they don't want to have their street clothes soiled or damaged? Davis stated yes. Warner stated the Buildings & Grounds staff have chosen to wear their own pants. Altman stated her concern is that the cotton/polyester pants look like street wear. Davis stated there is a rental label on the waistband of the pants. Dillinger motioned to approve. Holt abstained due to a conflict of interest. Altman seconded. Motion carried unanimously. Altman asked Davis and Warner to make sure the policy is in place.

Davis requested approval of the rental agreement with Plymate. Howard has reviewed the agreement. Davis stated economically to rent and what they are currently doing is about the same. The initial term of the agreement would run from when we start to the end of 2009. They are changing that to an annual basis. After 2009 it would be annually on a calendar year basis. Howard asked if either party could terminate the agreement? Warner stated yes. Davis stated in 2009 it would renew for two more years but we have the option to cancel it with a 60 days notice if funding is not available. Warner stated the 60 days would fall before the end of the calendar year and we would know if County Council has funded the agreement. Howard stated in the past there have been problems with rental uniforms not being replaced when they have become threadbare, what happens in that case? Mr. Terry Moore, Plymate Corporation, stated their guarantee is that if they fail to provide the service they have promised they will refund the last four weeks rental and pay for the first four weeks rental with a new company. Howard asked if the agreement is terminable under those situations? Moore stated yes. Altman asked if we pay a premium for the right to terminate? Moore stated no. Altman asked if it is the same price under your contract when we asked for the right of cancellation? Moore stated provided there is an issue for reason. Howard stated we are locked in for the first year but we can cancel after that. Warner stated we have used Plymate for other services and have been pleased with them above any other service that has been used. Motion carried unanimously.

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Chairs for Judicial Center

Warner stated two different chairs have been specified for the replacement of the current Judicial Center work station chairs. Continental Office Environments had the lowest quote with \$24,910 for HON 7708 (low back) and \$26,781 (high back) for 100 chairs. The Clerk prefers the high back chair; her staff felt this chair was more comfortable. Altman asked Warner if the high back chair is a concern to him as far as comfort? Warner stated no. Dillinger motioned to approve the HON 7608 (high back). Holt seconded. Motion carried unanimously.

ISSD Purchase Orders

Ms. BJ Casali requested approval of purchase orders for ISSD.

1. NETech - \$22,376.25
2. Matrix Integration - \$18,370.00
3. Dell - \$7,634.40
4. Dell - \$11,386.92

Altman asked if these are from the State QPA? Casali stated yes and they are all budgeted. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

Statewide Voter Registration System Use Contract

Ms. Pat Toschlog, Voter Registration Office, requested approval of the Statewide Voter Registration System “Option #3” Use Contract. This is free equipment from the State. Mr. Darren Murphy stated the State provides this equipment right now however there is a provision that if we have connectivity issues then the State at its discretion can force us to go from Option 3 to Option 1, which would require the county to provide their own equipment and they would take the State equipment back. The equipment is here and there has not been a connectivity problem. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

Community Corrections Project Update [2:50]

Mr. John Barbee, Envoy, Inc., stated the 911/EMA addition slabs are being poured. The Jail annex/vehicle sallyport is under roof. The north jail addition finishes will be started in the next several weeks. The intake addition will be complete for occupancy in July. The service building is complete and occupied. Phase 3 – community corrections pre-cast building is 95% complete with steel erection at 80%. Roofing and slabs will start in the next 30 days. The 911/EMA addition basement foundation and walls are complete with steel erection starting this week. The jail annex addition is 40% complete. The overall project is 39% complete; site work is 97% complete, building foundations are 100% complete. There is 85% of the original contingency fund remaining. Howard stated he will be meeting with Barbee to discuss the paving of the parking lot; it was not funded in this project and they will be looking at the contingency fund and moving up some of the lease rental payments to fund the paving. The goal is to fund as much of the paving as possible with the contingency.

Attorney [2:54]

Ordinance 4-14-08-A, Surveyor’s Fees

Howard requested approval on final reading of Ordinance 4-14-08-A, An Ordinance of the Board of Commissioners of Hamilton County, Indiana, Adopting an Administrative Fee in Relation to the Certification of Alcoholic Beverage Permits by the Hamilton County Surveyor. The fee would be \$100.00. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

Release of Retainage – Verkler, Inc.

Howard requested approval of the release of Retainage funds for Verkler, Inc. for work on the community corrections project. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

Certificate of Substantial Completion – Verkler, Inc.

Howard requested acceptance of the Certificate of Substantial Completion from Verkler, Inc. for work on the community corrections project. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

Letters of Credit for Drainage Board

Howard stated the Hamilton County Drainage Board has approved the calling of Letters of Credit by an affiliate of RDJ. He has reviewed the Letters of Credit with Jerry Liston of the Surveyor’s office. The beneficiary of the Letters of Credit is the Board of Commissioners. Howard requested a motion authorizing that the Letters of Credit be called if they are not replaced prior to the expiration date and that the Commissioner’s President be authorized to sign the demands to the bank. Dillinger so moved. Holt seconded. Motion carried unanimously.

Administrative Assistant [2:58]

AIC Use of 4-H Exposition Building

Mr. Fred Swift requested ratification of not charging AIC (Association of Indiana Counties) for use of the 4-H Exposition Building. Dillinger motioned to not charge. Holt seconded. Motion carried unanimously.

146th and Allisonville Road Rezone

Swift stated the public hearing for the proposed rezone at 146th and Allisonville Road was postponed to May 13, 2008 in Fishers. Staff from the highway department will be attending the hearing.

Hamilton County Plan Commission Appointment

Dillinger motioned to appoint Tom Clover to the Hamilton County Plan Commission. Altman seconded. Dillinger and Altman approved. Holt opposed. Motion carried.

AIC Board Meeting

Swift stated the AIC (Association of Indiana Counties) Board will be holding their semi-annual meeting on May 16, 2008 in Noblesville at the Artists Vineyard and have requested use of Conference Room 1A for a conference call. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

Roadway Clean-up

Altman stated during today’s Solid Waste Board meeting discussion was held on holding a county roadway clean-up day to be handled and funded by the Solid Waste District. An additional appropriation will be requested in May for the funding. It was recommended to hold multiple days, by township, to clean up the roadways. Davis stated the highway department staff will be meeting with the Probation Department to look at finding help to keep the roadways clean.

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Sheriff

Retire K-9 “Lando”

Major Mark Bowen stated Sheriff Deputy Dustin Dixon has requested permission to keep his K-9 “Lando” upon his retirement. Lando has to retire due to medical issues. Deputy Dixon will sign a document stating he will be responsible for all medical care and a waiver of liability. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

Auditor

Clerk’s Monthly Report

Ms. Robin Mills requested approval of the Clerk’s Monthly Report dated March 2008. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

Acceptance of Bonds/Letters of Credit – Drainage Board

Mills requested the acceptance of Bonds and Letters of Credit for the Drainage Board. 1) HCDB-2008-00011 – Bond Safeguard Insurance Company Subdivision Bond No. 5033232 for the reconstruction of the Elizabeth Warner Drain in Legacy Residential Section 1, Phase 1 Subdivision - \$182,400.00. 2) HCDB-2008-00012 – Bond Safeguard Insurance Company Subdivision Bond No. 5033225 for Westmont Sec. 1 Storm sewer and sub-surface drains - \$348,194.00. 3) HCDB-2008-00013 – Bond Safeguard Insurance Company Subdivision Bond No. 5033223 for Westmont Section 1 monumentation - \$10,776.00. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

Treasurer’s Monthly Report

Mills requested acceptance of the Treasurer’s Monthly Report dated March 31, 2008. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

Payroll Claims

Mills requested approval of Payroll Claims for the periods of March 24 thru April 6, 2008 paid April 18, 2008 and April 7-20, 2008 paid May 2, 2008. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

Vendor Claims

Mills requested approval of Vendor Claims paid April 29, 2008 and table the Surveyor’s claim for The Sign Guys/Noblesville Trophy. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

M&I Bank Request to Participate in Benefits Fair

Ms. Erin Yeager and Heather Hubbard, M&I Bank, requested permission to continue offering their benefits program to county employees and to participate in the county’s Benefits Fair. Holt motioned to approve. Dillinger seconded. Altman cautioned employees to shop interest rates wisely. Motion carried unanimously.

Altman recessed the meeting to Conference Room 1A. [3:07]

Insurance Coverage for Mike Howard

Randall stated the Auditor has requested the Commissioners put on the record that Mike Howard, County Attorney, can have county health insurance. Dillinger motioned to accept Mike Howard as an employee for insurance purposes. Holt seconded. Motion carried unanimously.

Lactation and Expression Legislation

Randall stated new legislation has been passed regarding lactation and expression. Randall has incorporated the new language into the handbook under Work Hours. Holt motioned to approve. Dillinger seconded. Altman asked if the departments will find a location or will Human Resources take care of it? Howard stated it needs to be centralized with a memo of the locations sent to the employees; the locations do not need to be in the handbook. Motion carried unanimously.

Purchase of Meals with Public Funds

Holt motioned to approve the draft policy of the purchases of meals with public funds. Dillinger seconded. Howard recommended removing the commentary by the IRS and the handbook will state what is and is not done and he will edit it with Sheena. Howard stated it will list the expenditures that are to be paid and/or reimbursed by public funds and expenditures that will not be paid or reimbursed by public funds. Howard asked if the Professional Development lunches include Chamber of Commerce luncheons? Altman stated no. Randall stated they are approved by IRS statute. Altman stated they are not appropriate for payment from taxpayer funds. Altman stated they are looking at the county becoming a member of all of the Chambers on a countywide basis that would permit employees to use the membership rates. Holt amended his motion to accept Mike’s recommendation that the draft is fine but he is going to scrub it to get the IRS verbiage out. Dillinger seconded the amendment.

Howard stated the next issue is Chamber type items and they are not included in this draft; they would be permitted under IRS regulations, it is a question if the Commissioners are permitting them. Altman suggested unless it is a countywide training seminar that the county has sponsored or is offsite that we would reimburse under our normal reimbursement policy, anything else needs pre-approval. Holt stated he does not care if a line is included that states Chamber meetings are not considered professional development. Randall stated some of the questions under non-permitted reimbursements were staff meetings whether they are at work or outside. Howard stated he wants to make those expressed. Holt asked if the Commissioners are in agreement that Chamber meetings are not county reimbursable? Altman asked if staff meetings are not? Howard stated staff meetings are listed as non-permitted. Altman stated she can not tell if it is excluded or included, if the Surveyor goes to another Surveyor for a meeting off-site, is this allowed or not allowed? Randall stated no, it is not allowed. Altman recommended studying this some more. Dillinger stated if it is a meeting with fellow department heads/elected officials, it should be permitted. Holt stated he will support the motion as amended by the discussion. Dillinger seconded. Motion carried unanimously.

Exempt Positions

Randall stated during Waggoner, Irwin’s Efficiency Study they recommended amendments to the Exempt Position list. Holt asked if Randall concurs with Waggoner’s recommendation? Randall stated yes. Holt motioned to approve. Dillinger seconded. Altman asked if there is any need for pay adjustment for those positions being made exempt, not because they have received overtime but because there has been more responsibility given to that position? Randall stated she will ask each supervisor of these positions if they believe the current job description is accurate and if it is not it will be forwarded it to Waggoner for review. Altman stated she does not want it to be a decision because the employee always got overtime and he/she deserves more it is not appropriate in that pay grade. Holt stated

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Waggoner reviewed the job descriptions to give us the recommendations. Randall stated if they have had a change in their duties verses what the evaluation was made on, she would forward any amendments for review. Altman asked that Waggoner look at the job description and the pay grade to make sure we don't need to adjust the pay grade. Holt told Randall to not go to the department head for that discussion. Randall stated Waggoner has looked at the pay grades and the duties and made these recommendations. Motion carried unanimously.

Employee Handbook Revisions

Section 1.1 Acknowledgement, Use and Revision of Employee Handbook

Changes include language that Supervisors shall provide a handbook when the offer of employment is made prior to the first day of employment. If the new hire has not completely read the handbook and is not ready to sign off on the acknowledgement they will be given time during orientation to read the handbook and/or sent home to read it. Current employees must sign and return the acknowledgment form within ten (10) work days (changed from five days). The wording encouraged to was changed to shall. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

Howard stated he has not heard from the Prosecutor regarding the Deputy Prosecuting Attorney language; he has given the Prosecutor until Friday (May 2) to respond or her comments will be rejected.

Job Classification System

Randall stated mid-point language has been removed from the handbook and the employee's progress through the pay scale system will be based on standards which generally include employee performance ratings, longevity and available funding for the position. If the Council wants to send out mid-point as a guideline in their budget instructions they can; but it will not be in the handbook. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

Section 1.6.1 Drug Testing for Employees Not Covered by Section 1.6.2

Section 1.6.1a – Reasonable Suspicion

Howard stated the Prosecutor has requested that the county be allowed to randomly drug test for safety and security sensitive positions. Howard stated their research shows security sensitive is not a standard of which the Fourth Amendment would allow us to enter into a search i.e.: drug or alcohol test without reasonable suspicion. The security sensitive verbiage has been deleted because it is not supported by law. Holt motioned to approve. Dillinger seconded. Motion carried unanimously. Randall asked under Section 1.6.4 Random Drug Testing are we taking out security and/or confidentiality sensitive, which the Prosecutor requested? Howard stated yes, leave safety sensitive and strike and/or confidentiality sensitive and security sensitive. Howard stated there is nothing that allows drug testing on people who may know secrets, if there is reasonable suspicion you can randomly drug test.

Section 1.9 Authorized Alien Status and Citizenship

Language has been added stating "as a condition of employment...Elected Officials and Department Heads must collect the required documentation for verification of citizenship upon completion of an offer of employment or prior to a new hire beginning employment." Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

Section 1.10 Bloodborne Pathogens

Randall stated Hamilton County policy requires the completion of the entire Hepatitis B vaccination series even for employees that have temporary declination because they have a medical condition. Howard has requested additional language stating "therefore a temporary declination may be extended up to six months period and failure to comply will result in termination of employment." Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

Section 2.7 Personnel Files [3:36]

Randall stated since the COOP & COG meeting there have been areas of concern relative to imaging all of the personnel files have been discussed. Performance appraisals only can be sent to the Human Resources department in a sealed envelope, not the entire performance file. All of this information is entered into the Eden System. If there is a file with no identification on an envelope we will spend hours trying to open it, when people have looked at the file, etc. Randall changed the language to state the Employee Performance Appraisal Forms, not the entire file, shall be submitted by the Elected Official in a sealed or unsealed files and it would remain sealed, except when we start imaging, shall be opened only be the Human Resource Director or her staff after reasonable notice to the Elected Official and/or Department Head. Altman asked if this is county wide? Randall stated yes. Altman asked why would we make this countywide? Howard stated there was a feeling that people might be more candid if they thought they were not opened to more people to review. If there was litigation or disciplinary action we would have a more candid evaluation. Altman stated we won't know if the evaluations have been completed correctly if they come in sealed envelopes and then we are not protected. Howard stated the Human Resources Department needs to track the date, who opened the file, why and who made the request. Holt stated he does not see the point on sealing them. Altman stated she does not want this policy for everybody, we can't tell if they are doing their job. Altman stated the envelopes should be sealed for transport only. Holt motioned to strike the word sealed. Dillinger seconded. Howard will change the language to state "Elected Prosecutor only submits in a sealed file".

Section 2.9 Orientation/Exit Interviews

Randall asked if we want to mandate that everyone have an exit interview? Howard stated yes. Commissioners agreed.

Section 2.11 Performance Evaluations

Randall stated Sheriff Carter has requested extending the probationary period from 120 days to 180 days because he feels he does not have enough time in 120 days to evaluate his deputies. Randall stated she has suggested giving an extension for those employees he does not feel comfortable with. Altman stated 120 days is plenty of time.

Randall stated she and the Auditor have discussed when the Performance Appraisals have to be completed and the County Council is considering a new formula for budgets which include longevity, performance and COLA. Robin Mills has suggested a drop dead date of March 31st. Howard will include the verbiage "performance of all employees should be evaluated annually before and filed prior to March 31st". Commissioners agreed.

Section 3.2 Work Hours

Holt motioned to include the language "Regular work hours for the Prosecutor's Office are established by the Elected Prosecutor." Dillinger seconded. Motion carried unanimously.

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Section 4.2 Holidays

Add the definition of benefit time – bereavement leave, paid disability, military and worker’s compensation leave. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

Section 4.5 Military Leave

Section 4.5.2 Active Duty/Enlistment

Leave time defined to include compensatory time or other banked benefit leave. Altman motioned to approve. Dillinger seconded. Motion carried unanimously.

Section 4.19 Family and Medical Leave

Randall stated the FMLA software will not be online until the end of the third quarter so the calculation will revert back to the calendar year in both medical and FMLA. Randall requested the language remain the same in the handbook. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

Section 5.2 Emergency Closing

Identified the difference between essential and non-essential employees. Altman asked if we have concluded what benefit we can provide to employees that come in to work when we are closed? Randall stated they are paid their regular hours. Altman stated that is not right. Howard stated they have discussed the Council including in the salaries of employees who are considered essential should be higher because they are going to be required to work when other employees are being paid for being off work. Randall stated when Waggoner, Irwin is reviewing the job descriptions that is part of their analysis. If they are essential personnel and have risk, that is in the evaluation. Altman asked if it covers the volunteers who come in, it is not required as part of their job description. Altman stated it is not the people who work at a desk; it is the people that come in and clear the snow. Altman stated we have Commissioners that can approve emergency work, the employees should be compensated, and we need to foster this kind of work attitude. Howard stated they could receive comp time or EBT time. Howard clarified the wording shall state “non-essential people, with approval that work during closings receive comp time”? Ms. Dawn Coverdale asked when will it be approved, after the fact or beforehand? Altman stated it will be at the time of, you won’t know your needs until it happens. Altman prefers comp time. Howard stated if the Commissioners or their designee approve it ahead of time we should give them comp time. Holt stated we should identify the employees that this would apply to. Coverdale stated you can’t say just comp time, if they are at their max the system will pay them. Howard and Randall will work on the definition.

Section 5.6.1 Personal Use of Vehicles

Randall stated the amendments are relevant to driver’s license and allowing people to drive county vehicles if they have had any involvement in an accident. If the employee does meet the criteria that deem them ineligible, they are not allowed to drive county vehicles because of insurance. Randall requested the Commissioners review this section before final approval.

Section 5.8.1 Uniforms

Howard stated under (a) and (b) strike and at the end of (a) replace with or. Holt motioned to accept Howard’s recommendation. Altman requested the verbiage “Work clothing and uniforms for consideration as a taxable fringe benefit include.” Howard stated under non-taxable benefit (c) strike the highlighted section.

Employee Wellness Day

Randall stated she has sent the Commissioners a proposed schedule for the Employee Wellness Day. Altman stated it does not look like fun, Altman recommended presentation booths. Randall stated we need to share the county’s disease management program to our employees and the Script World prescription program. Randall asked if she could form a committee? Altman stated yes. Randall asked what dates would the Commissioners prefer? Holt stated not on a Friday. Altman suggested setting the date with the committee; they will know what their hot dates are. Holt recommended asking a representative from Riverview be included on the committee.

Holt motioned to adjourn. Dillinger seconded. Motion carried unanimously.

Commissioners Correspondence

Hamilton County Drainage Board Notice of Vegetation Control Program

Elwood Wilson Drain

Concerned Citizens for Home Place Letter

IDEM Notice of Sewer Permit Application

Deer Path, Section 18 – Noblesville

Geist Pointe of Fishers – Fishers

HSE Utilities, Inc. Maintenance Building – Fishers

Keystone Group LLC Veterinary Hospital – Carmel

Stony Creek Villas – Noblesville

Value Place – Fishers

Wellington Heights Low Pressure Sanitary Sewer – Noblesville

IDEM Notice of Part 70 Operating Permit Approval

Indiana Ductile

Certificate of Insurance

Daystar Directional Drilling, Inc.

Fredericks, Inc.

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APRIL 28, 2008

Present
Christine Altman, Commissioner
Steven C. Dillinger, Commissioner
Steven A. Holt, Commissioner
Robin M. Mills, Auditor
Fred Swift, Administrative Assistant to Commissioners
Kim Rauch, Administrative Assistant to Auditor
Michael Howard, Attorney
Darren Murphy, Attorney
Mark Bowen, Sheriff’s Department
Brad Davis, Highway Director
Joel Thurman, Highway Project Engineer
Amber Emery, Administrative Assistant to Engineer
Brandy Wariner, Highway Public Service Representative
Dave Lucas, Highway Staff Engineer
Christopher Burt, Highway Engineering Technician
Tim Knapp, Highway Right-of-Way Manager
Matt Knight, Highway Bridge Program Engineer
Faraz Khan, Highway Staff Engineer
Kathy Howard, Highway Department Administrative Manager
Bob Davis, Highway Superintendent
Denny Neidigh, CMT
Bill Bailey, CMT
John Accetturo, Carmel City Councilman
Scott Warner, Buildings and Grounds
Patti Smith, BLN
Linda Schenkel, 146th Street
Patricia Schenkel, 146th Street
Dave Schenkel, 146th Street
Ann O’Hara, 9049 Mercer Drive, Fishers
Doug Schenkel, 146th Street
Dale Schenkel, 146th Street
Tania Lopez, Indianapolis Star
David Whiteman
Marilyn Schenkel, 146th Street
Jeanette Kassebaum, Fall Creek Township
Brian Baehl, Fall Creek Township
Terry Michael, Fall Creek Township Trustee
Victor Wenning, Fall Creek Township
Mary Ann Shepherd, Fall Creek Township
Rex Wiseman, Fall Creek Township
Kevin Peterson, Fall Creek Township
Caroline Peterson, Fall Creek Township
Marion C. Hensley, Fall Creek Township
Marion P. Hensley, Fall Creek Township
Scott Wright, Fall Creek Township
Rita Burke, Fall Creek Township
Mary E. Owens, Fall Creek Township
Doug Allman, Fall Creek Township
BJ Casali, ISSD
Sheena Randall, Human Resources
John Barbee, Envoy, Inc.
Larry Dawson, Envoy, Inc.
Carlabeth Mathias, Mathias Counseling
Pat Toschlog, Voter Registration

APPROVED
HAMILTON COUNTY BOARD OF COMMISSIONERS

ATTEST

Robin M. Mills, Auditor